

## CHAPTER VIII—OFFICE OF SPECIAL COUNSEL

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## PART 1800—FILING OF COMPLAINTS AND ALLEGATIONS

Sec.

1800.1 Filing complaints of prohibited personnel practices or other prohibited activities.

1800.2 Filing disclosures of information.

1800.3 Advisory opinions.

AUTHORITY: 5 U.S.C. 1212(e).

### **§ 1800.1 Filing complaints of prohibited personnel practices or other prohibited activities.**

(a) Complaints of prohibited personnel practices or other prohibited activities within the investigative authority of the Special Counsel (including complaints of political activities prohibited by 5 U.S.C. 7321–7324) should be submitted to the Office of Special Counsel, Complaints Examining Unit, 1730 M Street, NW., Suite 300, Washington, DC 20036-4505.

(b) Complaints, allegations, and information may be submitted in any written form, but should include:

(1) The name, mailing address, and telephone number(s) of the complainant(s), and a time when the person(s) making the disclosure(s) can be safely contacted, unless the matter is submitted anonymously;

(2) The department or agency, location, and organizational unit complained of;

(3) A concise description of the actions complained about, names and positions of employees who took these actions, if known to the complainant, and dates, preferably in chronological order, together with any documentary evidence the complainant may have;

(4) In the case of any allegation of a prohibited personnel practice, the personnel action that has been taken or is proposed or threatened to be taken, and the date of the action, proposal, or threat;

(5) In the case of action taken because of an individual's disclosure of information, the information believed to evidence violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety and when, to whom, and how or in what form it was disclosed; and

(6) A statement as to whether the complainant consents to the disclosure of his or her identity to the agency by the Special Counsel for the purpose of further investigation.

[54 FR 47341, Nov. 14, 1989, as amended at 55 FR 47839, Nov. 16, 1990; 59 FR 64843, Dec. 16, 1994]

### **§ 1800.2 Filing disclosures of information.**

(a) Employees, former employees, or applicants for employment having information evidencing violations of law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety should be submitted to the Office of Special Counsel, Disclosure Unit, 1730 M Street, NW., Suite 300, Washington, DC 20036-4505.

(b) Information may be submitted in any written form, but should include:

(1) The name, mailing address, and telephone number(s) of the person(s) making the disclosure(s), and a time when that person(s) can be safely contacted by this agency, unless the matter is submitted anonymously;

(2) The department or agency, location and organizational unit complained of;

(3) A statement as to whether the complainant consents to the disclosure of his or her identity to the agency by the Special Counsel in connection with referral to the appropriate agency.

[54 FR 47341, Nov. 14, 1989, as amended at 55 FR 47839, Nov. 16, 1990; 59 FR 64843, Dec. 16, 1994]

### **§ 1800.3 Advisory opinions.**

The Special Counsel is authorized to issue advisory opinions only concerning Chapter 15 of Title 5, United States Code (dealing with political activity of State or local officers and employees) and Subchapter III of Chapter 73 of Title 5, United States Code (dealing with political activity of Federal officers and employees). Requesters may telephone the Office of Special Counsel toll free at 1-800-872-9855, or (202)/FTS 653-7143 in the Washington, DC, area, or make such requests in writing to the Office of Special Counsel, 1730 M

## Office of Special Counsel

Street, NW., Suite 300, Washington, DC 20036-4505.

[54 FR 47341, Nov. 14, 1989, as amended at 59 FR 64843, Dec. 16, 1994]

## PART 1810—INVESTIGATIVE AUTHORITY OF THE SPECIAL COUNSEL

AUTHORITY: 5 U.S.C. 1212(e).

### § 1810.1 Investigative policy in discrimination complaints.

The Special Counsel is authorized to investigate allegations of discrimination prohibited by law, as defined in 5 U.S.C. 2302(b)(1). Since procedures for investigating discrimination complaints have already been established in the agencies and the Equal Employment Opportunity Commission, the Special Counsel will normally avoid duplicating those procedures and will defer to those procedures rather than initiating an independent investigation.

[54 FR 47342, Nov. 14, 1989]

## PART 1820—PUBLIC INFORMATION

Sec.

1820.1 Public list.

1820.2 Procedures for obtaining records under the Freedom of Information Act.

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1820.9 Disclosures by authorized officials.

AUTHORITY: 5 U.S.C. 552(a)(3), 552(a)(4), 1212(g), 1219.

SOURCE: 54 FR 47342, Nov. 14, 1989, unless otherwise noted.

### § 1820.1 Public list.

(a) Pursuant to 5 U.S.C. 1219, the Special Counsel maintains and makes available to the public a list of:

(1) Noncriminal matters referred to heads of agencies under 5 U.S.C. 1213 (c) and (g)(1), and reports received as a result of such referrals;

(2) Matters referred by the Special Counsel to heads of agencies under 5 U.S.C. 1215(c)(2); and

## § 1820.3

(3) Matters referred to heads of agencies under 5 U.S.C. 1214(e), together with certifications from the heads of agencies under such subsection.

(b) The list is available to the public between 8:30 a.m. and 5 p.m. weekdays (except legal holidays) in the Office of Special Counsel, 1730 M Street NW., Suite 300, Washington, DC 20036-4505.

[55 FR 47342, Nov. 14, 1989, as amended at 55 FR 47839, Nov. 16, 1990; 59 FR 64843, Dec. 16, 1994]

### § 1820.2 Procedures for obtaining records under the Freedom of Information Act.

Requests for records shall be made in writing. Requests should be addressed to the Office of Special Counsel, 1730 M Street NW., Suite 300, Washington, DC 20036-4505. Requests must be clearly and prominently marked "Freedom of Information Act Request" on both the envelope and the letter.

[54 FR 47342, Nov. 14, 1989, as amended at 59 FR 64843, Dec. 16, 1994]

### § 1820.3 Categories of requesters under the Freedom of Information Act.

There are four categories of requesters:

(a) *Commercial use requesters.* These requesters seek information for themselves or on behalf of someone else for a use or purpose that furthers commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. A requester will not be presumed to be a "commercial use requester" merely by submitting a request on corporate letterhead without further explanation of the use to which he plans to put the requested information. Similarly, a request submitted on the letterhead of a nonprofit organization without further explanation will not be presumed to be for a noncommercial purpose. The Office of Special Counsel will seek clarification from the requester where there is a reasonable doubt as to the intended use of the information.

(b) *Educational and noncommercial scientific institution requesters.* (1) An "educational institution" requester is associated with a preschool, a public or private elementary or secondary school, an institution of undergraduate or